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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,131	12/20/2001	Jali Williams	SSK-26 (16209)	2778

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EXAMINER

WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 02/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,131

Applicant(s)

WILLIAMS, JALI

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,11,14,15,17-23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 3,4,9,12,13,16,24 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. This Office Action is in response to a Request for Continued Examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, 7, 8, 10, 14, 15, 17-23 and 25-27 rejected under 35 U.S.C. 102(e) as being anticipated by Lee (U.S. 6,284,856)

Lee discloses an elastomeric article having an ultra-thin outer layer comprising an acrylic-based polymer with a thickness between about 0.25 and about 8.0 microns (Col. 11, lines 25-58). A base polymer layer is adjacent and attached to the ultra-thin outer layer and is comprised of an elastomeric material that has been coagulated onto the ultra-thin outer layer.

With regard to claim 2, the elastomeric material is selected from the group consisting of a natural latex rubber and a synthetic elastomer (Col. 2, lines 50-62).

With regard to claim 5, the elastomeric article is a glove (Col. 5, lines 30-40).

With regard to claim 7, the elastomeric article is coagulated through contact with a coagulant composition. The coagulant composition is applied to the ultra-thin outer layer between the ultra-thin outer layer and the base layer.

With regard to claims 8 and 14, the coagulant composition comprises calcium nitrate (Col. 3, lines 50-60).

With regard to claims 10 and 17, the invention is disclosed in the above rejections.

With regard to claim 15, the glove is a powder free glove.

With regard to claim 18, the base polymer layer is a nitrile polymer.

With regard to claim 19, the method steps are disclosed in the above rejections to the apparatus claims.

With regard to claim 20, a donning layer is formed on the base polymer layer (Col. 11, lines 25-28).

With regard to claim 21, the acrylic-based polymer is heated to a temperature of between about 35 °C and about 50 °C prior to forming the ultra-thin gripping layer (Col. 10, lines 2-18).

With regard to claims 22 and 23, the base polymer layer is formed by immersing the glove-shaped former at least one time (and at least two times) in a tank containing the elastomeric material.

With regard to claim 25, the base polymer layer is a natural latex rubber.

With regard to claim 26, the base polymer layer comprises a nitrile polymer.

With regard to claim 27, the ultra-thin gripping layer is formed by dipping the former into an emulsion containing the acrylic-based polymer.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 6,284,856) in view of Liou (U.S. 5,534,350).

6. Lee discloses the invention substantially as claimed above.

However, Lee does not disclose an inner layer being attached and adjacent to the base polymer layer such that the base polymer layer is between the ultra-thin outer layer and the inner layer.

Liou teaches a powder free glove having a polymer layer and two lubrication layers attached thereto (i.e., an additional lubrication layer). The additional lubrication layer enables the glove to be donned and doffed easily on a wet hand (Col. 4, lines 27-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an additional lubrication layer as taught by Liou to the base layer of Lee in order that the glove may be easily donned and doffed on a wet hand.

With regard to claim 11, the invention is disclosed above.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 6,284,856) in view of Gallagher (U.S. 3,969,431).

Lee discloses the invention substantially as claimed above.

However, Lee does not disclose that the emulsion containing the acrylic-based polymer also contains a surfactant having a HLB between 7 and about 11. The applicant's specification is silent with respect to the criticality of a surfactant for the acrylic-based polymer having a HLB between 7 and 11.

Gallagher teaches a surfactant having a HLB between 7 and 11 (i.e., 7 on Col. 4, lines 21-54) for providing a moderate hydrophilic composition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a surfactant having a HLB between 7 and 11 as taught by Gallagher to the glove making process of Lee in order to provide the acrylic-based polymer layer with a moderate hydrophilic thereby ensuring easy donning and doffing characteristics on a wet hand.

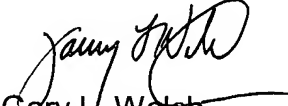
Allowable Subject Matter

7. Claims 3, 4, 9, 12, 13, 16, 24 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw